

Application No.: 10/624,381  
Restriction Requirement of: August 9, 2004

MAT-8439US

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 10/624,381  
Applicant: Yoshito NAKANISHI, et al.  
Filed: July 22, 2003  
Title: SWITCH  
TC/A.U.: 2832  
Examiner: Bernard Rojas  
Confirmation: 6834  
Docket No.: MAT-8439US

**RESPONSE TO ELECTION REQUIREMENT**

***Mail Stop Amendment***

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Election Requirement dated **August 9, 2004**, Applicants elect for further prosecution the claims corresponding to Embodiment 1, Figures 1-4. At present, Applicants believe that claims 1-6, 9-11, 13-17 and 22-23 cover the elected species.

This election is made with traverse because claim 1 is generic to Embodiments 1-5. This is because all of Embodiments 1-5 relate to switches under construction of three beams or electrodes. Only Embodiment 6 relates to switches of two electrodes. Accordingly, Applicants contend that the election requirement should have required Applicants to elect either Figures 1-12 or Figures 13-15. Withdrawal of the present election requirement is respectfully requested.

Respectfully submitted,

Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

LEA/fp

Dated: September 7, 2004

Suite 301, One Westlakes, Berwyn  
P.O. Box 980, Valley Forge, PA 19482  
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	<b>10/624,381</b>
	Filing Date	<b>July 22, 2003</b>
	First Named Inventor	<b>Yoshito NAKANISHI, et al.</b>
	Art Unit	<b>2832</b>
	Examiner Name	<b>Bernard Rojas</b>
Total Number of Pages in This Submission: 2	Attorney Docket No.	<b>MAT-8439US</b>

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosures: (please identify below): <b>return postcard Response to Restriction Requirement</b>
<b>Remarks:</b>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT		
Firm or Individual	<b>Lawrence E. Ashery</b>	Registration No. (Attorney/Agent)
Signature		
Date	<b>September 7, 2004</b>	

CERTIFICATE OF TRANSMISSION / MAILING			
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Name (Print/Type)	<b>Fran Petrillo</b>		
Signature		Date	<b>September 7, 2004</b>

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